

July 11, 2016

SUBMITTED VIA ECFS & HAND DELIVERED

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Confidential Treatment of NTELOS Supplement to Petition for Modification of Eligible Telecommunications Carrier Service Area; WC Docket 09-197, 10-90

Dear Ms. Dortch:

Virginia PCS Alliance, LC, and Richmond 20 MHz LLC dba NTELOS (collectively, “NTELOS”), by and through undersigned counsel, requests confidential treatment, pursuant to sections 0.457(d)(2) and 0.459 of the Commission’s rules,¹ of certain information included in the attached Supplement to Petition for Modification of Eligible Telecommunications Area (“Supplement”).

In the Supplement, NTELOS outlines a proposed methodology to reduce its frozen Universal Service High Cost (“Frozen High Cost”) support by the amount attributable to the geographic area where NTELOS no longer provides service. In order for Commission to properly evaluate the request from NTELOS, NTELOS has included confidential information and data in the Supplement that NTELOS does not reveal to the public or its competitors in the normal course of business.

The proprietary information and data for which NTELOS seeks confidential treatment pertains to NTELOS’ operational territory, business, and finances. Release of such information would put NTELOS at a competitive disadvantage in the marketplace. Competitors in the marketplace are routinely interested in the extent of carrier’s network, facilities, and its ability to provision service to particular markets or customers. Disclosing this information publicly could competitively harm NTELOS. The D.C. Circuit has found that entities do not have to “show actual competitive harm” to justify confidential treatment. Rather, “[a]ctual competition and the likelihood of substantial competitive injury” is sufficient to bring commercial information within

¹ 47 C.F.R. §§ 0.457(d)(2), 0.459.

July 11, 2016

Page 2

the realm of confidentiality.”² Neither NTELOS nor the Commission, through Universal Service Fund disbursement data, has released the specific information for which NTELOS seeks confidential treatment.

Therefore, for the above stated reasons, NTELOS respectfully requests confidential treatment of certain competitively sensitive information in the attached Supplement, pursuant to sections 0.457(d)(2) and 0.459 of the Commission’s rules,³ for an indefinite period.

Should you need any additional information, please do not hesitate to contact me.

Respectfully submitted,

/s/ K.C. Halm

K.C. Halm
Christopher A. Cook
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave., NW
Suite 800
Washington, D.C. 20006

cc: Deborah Dupont

² *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1291, quoting *Gulf & Western Industries v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

³ 47 C.F.R. §§ 0.457(d)(2), 0.459.